

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DELPHIA J. WARREN,

Plaintiff,

vs.

**JO ANNE B. BARNHART,
COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

No. 04-CV-418-DRH

ORDER

HERNDON, District Judge:

On June 17, 2004, plaintiff Delphia J. Warren, filed this action against defendant Jo Anne B. Barnhart, Commissioner of Social Security, pursuant to against Dawn Marie Grathler pursuant to **42 U.S.C. § 1383(c)(3)**. (Doc. 1.) Specifically, Plaintiff sought judicial review of the final decision of the Commissioner denying her April 4, 2001 application for Supplement Security Income (SSI) under Title XVI of the Social Security Act. **42 U.S.C. § 1381(a)**. On September 6, 2005, pursuant to **28 U.S.C. § 636(b)(1)(B)**, United States Magistrate Donald G. Wilkerson submitted a Report and Recommendation. (Doc. 13.) The Report recommends that the Court grant Plaintiff's Petition to reverse the Commissioner's decision and further recommends that the Court remand the matter to the agency for further review, consistent with the Report.

The Report was sent to the parties with a notice informing them of their

right to appeal by way of filing “objections” within ten days of service. To date, none of the parties have filed objections, and the period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct *de novo* review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).**

Thus, the Court **ADOPTS** the Report in its entirety. The decision of the Commissioner denying Plaintiff’s application for SSI is hereby **REVERSED** and **REMANDED** back to the agency for further review only with respect to whether the Plaintiff meets Listing 3.02 and whether the Commissioner has met his/her burden at Step 5 of the sequential evaluation followed to determine whether Plaintiff has met her burden of establishing disability. (Doc. 13.)

IT IS SO ORDERED.

Signed this 21st day of September, 2005.

/s/ David RHerndon
United States District Judge